



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,778	11/28/2000	Jeffrey T. Finer	CYTOP009C1	9331

22434 7590 12/27/2002

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

TRUONG, TAMTHOM NGO

ART UNIT	PAPER NUMBER
----------	--------------

1624

DATE MAILED: 12/27/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,778

Applicant(s)

FINER ET AL.

Examiner

Tamthom N. Truong

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7-19,30 and 60-67 is/are pending in the application.
- 4a) Of the above claim(s) 60-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7-19, 30, and 63-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1624

DETAILED ACTION

Applicant's amendment of 10-03-02 has been considered. With claims 5, 6 and 20-29 cancelled, only claims 1, 4, 7-19, 30, remain for consideration along with new claims 60-67. New claims 60-62 are held withdrawn from consideration as they are drawn to subject matter that is not originally presented.

The amended claims have overcome the 112/2nd rejection for 'broad/narrow range' by deleting R₁₆-alkylene. Said claims also have overcome the 103 rejection by deleting 'hydrogen' and substituted heteroaryl' from the definition of R₄. Therefore, item (a) of 112/2nd rejection is withdrawn along with the 103 rejection.

The applicant's explanation has not overcome the lack antecedent basis for claim 12. Thus, said rejection is maintained herein.

References provided by applicants have prompted new art rejection presented below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 12 is rejected because it recites the limitation "butoxy" in the definition of R³.

There is insufficient antecedent basis for this limitation in the claim because claim 11 does not recite "butoxy" for R³. Note, "substituted lower alkyl" does not encompass "butoxy".

Art Unit: 1624

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7-19, 30, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over commercially available compounds from ComGenex, and Maybridge Catalog in view of Aono et. al. (US'664). The commercially available quinazolinone compounds from the above source read on compounds claimed herein, especially those with the claimed R₄ as "dimethylamino-propyl", "dimethylamino-ethyl" (or "substituted lower alkyl"), "alkylheteroaryl". The disclosed sources do not relate a use to said compounds. However, the teaching of Aono et. al. allows for "a condensed pyrimidinone" (which includes a 'quinazolinone'—column 16) to be useful as antitumor agents, or inhibitors of cellular proliferation. Thus, one of the ordinary skill in the art would have been motivated to use the commercially available quinazolinone compounds in the treatment of tumors, cancers, and cellular proliferative diseases. Therefore, at the time of the invention, it would have been obvious to one skilled in the art to make and use quinazolinone compounds as claimed herein in view of the teaching of Aono et. al., and those compounds commercially available.

Art Unit: 1624

Information Disclosure Statement

The IDS of 10-08-02 has been considered. The citation of "Registry File Compounds from Unspecified Chemical Libraries" is improper because it does not have author, and date.

Thus, said citation cannot be determined whether it is a competent prior art.

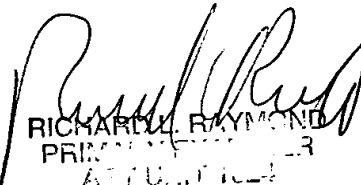
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamthom N. Truong whose telephone number is 703-305-4485. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mukund Shah can be reached on 703-308-4716. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

T. Truong

December 20, 2002


RICHARD L. RAYMOND
PRIMARY EXAMINER
ART UNIT 1624